

REMARKS**Response to Double Patenting**

Claims 42-73 are rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 32-36, 41, 42, 45, and 46 of U.S. Patent No. 6,725,083.

In response applicants have filed concurrently herewith a Terminal Disclaimer (by attorney) with respect to the '083 patent. The Terminal Disclaimer should obviate the double patenting rejections.

Response to Rejection Under 35 U.S.C. §102(b)

Claims 56, and 57 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U. Patent No. 5,289,831. In response applicants have amended claim 56 to require the ultrasound detectable body to be formed of sintered titanium. The cited reference does not disclose or suggest sintered titanium.

Response to Allowable Subject Matter

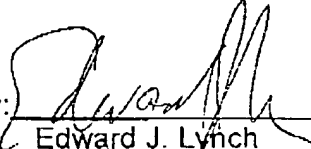
The applicants note with appreciation the Examiner's indication that claims 42-55 and 60-73 would be allowable if a terminal disclaimer was filed to overcome the double patenting rejection.

Conclusions

The applicants believe that the above amendments and the concurrently filed terminal disclaimer place the application in condition for allowance. Favorable

reconsideration is requested.

Respectfully submitted,

By: 
Edward J. Lynch
Attorney for Applicants
Registration No. 24,422

DUANE MORRIS LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105
Telephone: (415) 371-2200
Facsimile: (415) 371-2201
Direct Dial: (415) 371-2267.